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JUL 12 1996

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Cellular Priority Access for )  
National Security and Emergency ) WT Docket 96 - 86  
Preparedness Communications )

**REPLY COMMENTS OF THE MANAGER OF  
THE NATIONAL COMMUNICATIONS SYSTEM**

The Manager of the National Communications System (NCS) hereby files these reply comments, hopeful that its Petition for Rulemaking regarding Cellular Priority Access Service (CPAS) will be granted and that this will be the last time the Petition is given the same docket number and included with the proceeding concerning "The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements through the Year 2010."

**THE NCS' PETITION SHOULD BE GRANTED**

A review of the initial comments shows almost unanimous support for CPAS. The only party apparently fully against CPAS was Bell Atlantic Nynex Mobile, Inc. (BANM).<sup>1</sup> BANM claims there is no need for CPAS rules. This claim is rebutted by the others who filed

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<sup>1</sup>The State of Florida is in favor of cellular priority access, but has proposed its own version. BellSouth suggests that carriers be given the flexibility to offer priority access in any manner. (Comments, p 5). This highlights the necessity for prompt Commission action lest there be many differing versions of priority access adopted by different jurisdictions and carriers. This would make it difficult for emergency service providers to cross jurisdictional boundaries and still be able to utilize the same instrument. The comments of AT&T Wireless (pp 3,4), the Cellular Telecommunications Industry Association (pp 4,5) and Vanguard Cellular Systems, Inc (pp 3,4) recognize the importance of a standard, nationwide scheme.

comments, especially those who will be or represent users of CPAS, such as the National Association of State Telecommunications Directors (NASTD), the Virginia Army National Guard, the National Emergency Number Association (NENA), the Association of Public-Safety Communications Officials-International, Inc. (APCO), the Texas Advisory Commission on State Emergency Communications, the Los Angeles County Sheriff's Department and Internal Services Department, and Washington State Emergency Management. BANM cited the rapid expansion of capacity which mobile services are now undergoing in support of its statement that there is no need for CPAS. The expansion may be a reality, but BANM has not indicated an intention to reserve a portion of that expanded capacity for emergency communications. One would expect that BANM and other providers intend to aggressively market any expanded capacity to commercial customers, meaning it would provide no relief for the problems currently encountered by Federal, State and local emergency service providers.

Both BANM and BellSouth cite technical problems. As the NCS acknowledged in its Petition, there were some technical issues, but standards are being developed to solve those issues. But it is not the intention of the NCS, as BANM states, that CPAS would require the Commission to take on the task of writing technical rules. The rules proposed by the NCS are administrative only. All participants assisting in the development of CPAS, including BANM and BellSouth, realize that technical standards are being developed by those who always develop technical standards, the industry itself.

BellSouth discusses standards somewhat extensively. It claims the current standards do not support CPAS, and the PACA standard is only for TDMA systems. The PACA standard (IS-53A, now updated to IS-53B) is independent of specific technology, whether it is analog, TDMA

or CDMA. The PACA standard provides the feature description of the priority access service, not the technical specification for digital technology. The necessary air interface standards are being developed specifically for each technology. (TDMA, CDMA.) The air interface standards address the interface and the hand-shaking between the user handset and the Mobile Switching Center. McCaw Cellular (now AT&T Wireless) submitted a contribution to the IS-54/IS-136 which is finalized as the TDMA air interface. A contribution governing CDMA air interface (TIA/IS-95) has been submitted and is near completion. The NCS is working with industry participants to make a contribution for analog standards (TIA/IS-19/IS-20/IS-553).

BellSouth states that IS-41 standards for intersystem CPAS operation must be adopted and a system must be put in place for administration of CPAS between carriers. The NCS agrees that mobility is needed but CPAS is so essential that partial capability is acceptable until final inter-system call delivery and handoff are available.

The NCS' estimate that CPAS could be a reality in 1997 was based on information obtained from industry. The NCS was told that it generally takes approximately 12 months to upgrade software once standards are in place. If standards are in place by the end of 1996, the 1997 estimate is viable. If the standards efforts stall, implementation will also lag.

If industry had not developed a method to provide CPAS, the NCS could not be asking the Commission to adopt rules to govern its provision. Based on the comments, it is clear there is a need for CPAS. Everyone involved in the development of the rules is now and has been aware that there are technical issues remaining. They are being addressed.

#### **A SEPARATE PROCEEDING IS APPROPRIATE**

As the NCS pointed out in initial comments filed herein, CPAS issues are resolvable

independent of the myriad of issues inherent in the public safety rulemaking. It is proper to consider CPAS in a separate rulemaking for that reason. It is the NCS's opinion that the issues involving CPAS can be resolved very quickly, making this much-in-demand service available expeditiously. Two parties, however, expressly stated consideration of CPAS should be included as part of the public safety rulemaking. Southwestern Bell Mobile Systems, Inc. (SBMS) takes this position apparently believing the NCS intends CPAS to be a replacement alternative for the public safety radio services at issue in the public safety rulemaking. BellSouth states the outcome of the public safety radio proceeding may mitigate the need for CPAS. It is unlikely CPAS will ever serve as a viable substitute for the public safety radio services. Cellular, however, does have the ability, unlike the current public safety radio services, to provide access to the Public Switched Network. There will be times when that is important. The NCS expects that where public safety radio services are perfectly suitable (wide area broadcast), they will continue to be relied on. The comments of APCO make a strong case that the extensive usage of public safety radio services will continue. BellSouth's comment that the need for CPAS may be mitigated by the results of WT Docket 96-86 could conceivably prove true in the long run, but no one really knows. But the need for CPAS is now. Even if the need were ultimately entirely mitigated, there could be no harm in having rules on the books to address the current situation.

BANM does not suggest that the CPAS proceeding be included in the public safety rulemaking, but says that the Commission should defer consideration of CPAS until AFTER ruling on the public safety rulemaking. This totally ignores the evidence that CPAS is in demand now and the suggestion should be dismissed out of hand.

A separate proceeding for CPAS would speed its implementation and be in the public

interest.

## **OTHER CONSIDERATIONS AND ISSUES**

Many parties had suggestion or concerns relating to NCS' petition.

NCS was pleased to see parties associated with 911 interests believe that 911 priorities are not inconsistent and are in fact compatible with CPAS. Since its petition was filed in October, 1995, the NCS and 911 interests have worked closely to resolve what had initially seemed to some to be mutually exclusive positions. NCS agrees that calls to 911 should receive a CPAS priority, and understands that it is technically achievable. Priority for calls to 911 could be the subject of comments during the rulemaking.

Others suggest that the scope of the rules should encompass all CMRS. The NCS had suggested the Commission might want to do that in its petition. The reason that all wireless services were not initially included as part of the Petition was a general lack of specific knowledge how wireless services would develop. If industry members believe all wireless should be included, then it certainly is worthy of comment.

Some service providers are concerned about liability. The NCS believes a provider complying with Commission rules has no liability problem, but the Commission could certainly provide assurances.

Funding issues were raised. In the TSP proceeding, the Commission stated the cost causer should be responsible for the cost and the NCS assumed that would be the case with CPAS. Other funding mechanisms could be the subject of comments.

Mandatory vs. voluntary participation in CPAS was raised in some comments. The NCS and others assumed early on that necessary industry participation in rule development would be

forthcoming more readily if it did not appear the rules would be forced down industry's throat. If there is a demand for CPAS, it will be provided. Demonstrated demand would likely increase the speed with which industry completes necessary standards efforts. Comments on the issue could prove helpful, however.

To address an SBMS concern, it is the NCS's intention that CPAS be used for true emergency use only. CPAS users are intended to be pre-approved (and afforded the "Demand" PACA option described in NENA's comments, page 5) when designated by proper authority as having National Security and Emergency Preparedness (NS/EP) responsibilities. Registration during an emergency would be unworkable. If the Commission believes the CPAS features would be abused, it could issue a strong statement regarding proper usage of CPAS.

AT&T Wireless does not believe the Commission should address in the CPAS rulemaking the issue of what conditions warrant disclosure of the NS/EP database, referring to Appendix B of the proposed rules, page 9. It believes disclosure rules should be consistent with rules being developed in the Commission's Customer Proprietary Network Information (CPNI) docket. The cited provision requires service providers to disclose the NS/EP CPAS data base only as required by law. The NCS agrees with AT&T Wireless that there is no need here to discuss disclosure. Whatever the Commission decides in the CPNI docket would constitute law and those effected will undoubtedly comply.

The comments of UTC and BellSouth recognize that the proposed rules do not apply to calls to cellular phones either from land-line telephones or from other wireless networks. The NCS wishes they did. Early on, the NCS was advised that the much-in-demand access priority could be accomplished relatively quickly, but waiting for egress priority before implementing

access priority could take a long time. Perhaps the situation has changed. The NCS believes that if the situation has not changed, then access priorities should be allowed to be implemented, with later egress priority implementation.

UTC also proposes that priority assignments for utilities be the same under the TSP rules and the proposed CPAS rules. It notes that normal public utility services qualify for a priority 3 (“Public Health, Safety, and Maintenance of Law and Order”) under the TSP system. Under the proposed CPAS rules, utilities are assigned a priority 4. UTC notes that certain utility workers frequently could qualify for CPAS priority 2 (“responsible for ensuring the viability or reconstruction of the basic infrastructure in an emergency area.”) and frequently respond to hazardous situations requiring the shut off of natural gas lines or removing downed electric lines on roadways. The suggestion is certainly worthy of consideration, but the NCS believes the Commission should await the comments of others in the rulemaking proceeding before agreeing to changing proposed priorities. There may be others who will express similar thoughts or disagree with suggested priorities. It would be better to wait until all comments are in before making a perhaps premature piecemeal change.


UTC also questions the proposal that a limited number of cellular services technicians essential to restoring the cellular networks would qualify for Priority 1 and submits it is not necessary, citing the Commission’s reasoning and ruling in the TSP proceeding. The NCS agrees that such an assignment is unnecessary.

## **CONCLUSION**

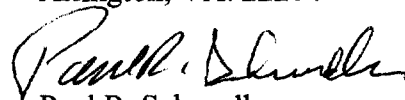
The initial comments have shown that CPAS is needed. They support a separate proceeding for CPAS for a quick resolution. The public interest would be served by a grant of the

NCS' Petition for Rulemaking and adoption of CPAS rules, as may be modified in the course of the rulemaking proceeding itself

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## CERTIFICATE OF SERVICE

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